Accountable Budget Process

Indigent Defense Study

Goals of Presentation

1. Provide sufficient information for decisions
   ◦ Information we do have
   ◦ Information we don't have
   ◦ Can the Legislature make a decision with the available information?

2. Set the framework so next meeting EOCJ can recommend a final plan.

Indigent Defense Commission Core Principles

1. Organizational Capacity of Defense System is Sufficient to Ensure Compliance with Core Principles

2. System Provides Counsel to all Eligible Defendants, Minors, and Respondents who do not Knowingly, Intelligently, and Voluntarily Waive Counsel.

3. System Provides Proper Scope of Representation

4. System Provides Representation that is Independent and Free from Interference

5. System Recognizes Distinct Areas of Specialization Within Indigent Defense

6. System Ensures the Right to Appeal

7. System Provides Representation that is Free from Conflicts of Interest

8. System Provides Effective Representation
   ◦ 8a – Qualifications and Training
   ◦ 8b – Appropriate Caseloads
   ◦ 8c – Access to Defense Resources
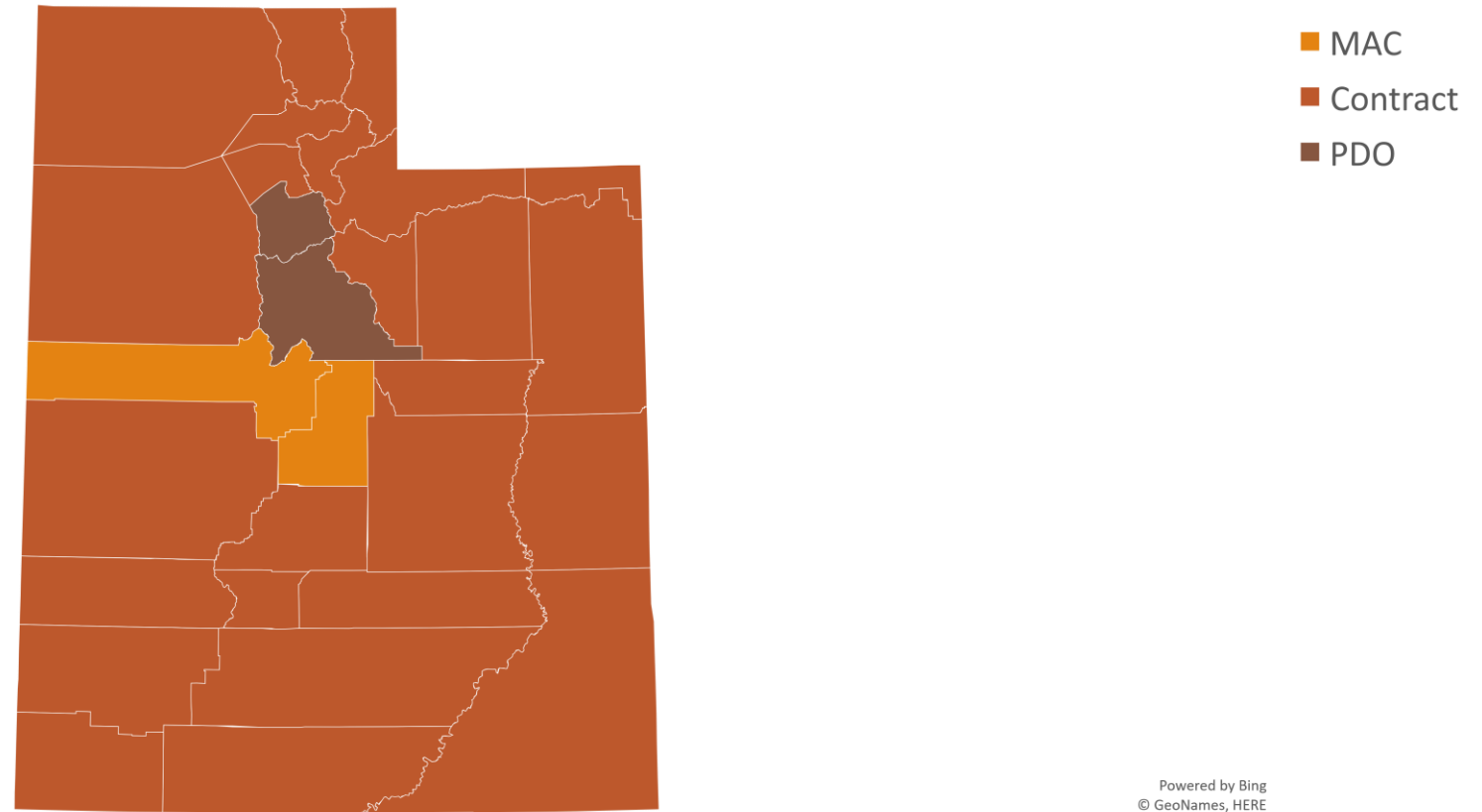   ◦ 8d – Proper Compensation

Measurement Example

3. System Provides Proper Scope of Representation

◦ Percentage Rate of Counsel at First Appearance

◦ Percentage Rate of Counsel at Orders to Show Cause

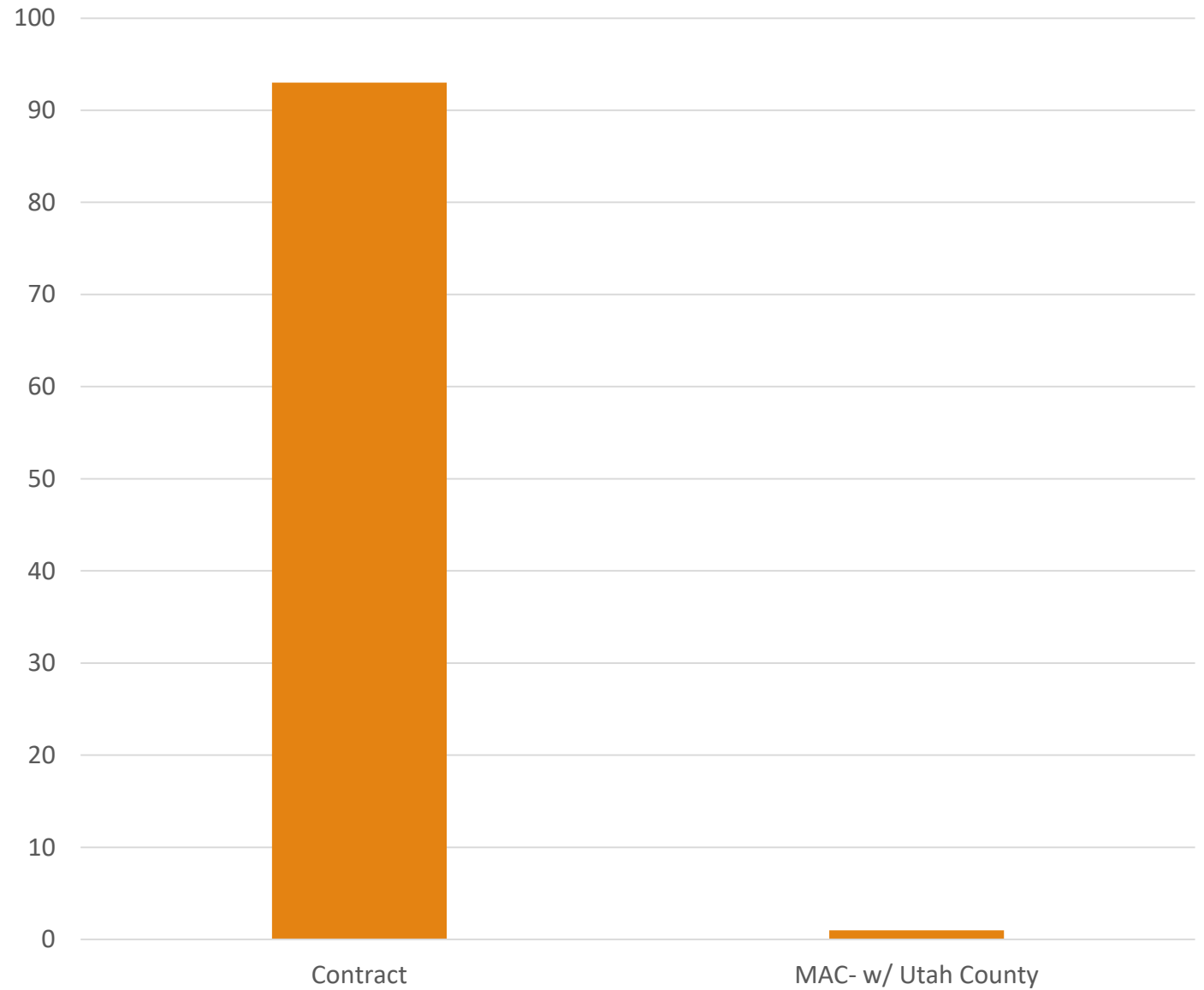◦ Percentage Rate of Counsel at Post Dispositional Reviews

Data Quality	Accurate	Good	Mediocre	Bad	None
Priority 1	**6 – Percentage of Appeals** **6 – Disposition on Appeals**	2- Appointment Rates 8d – Compensation Structure		**8b – Caseload**	**3 – Counsel at First Appearance** **3 – Counsel at OSCs** 3 – Post Dispositional Reviews
Priority 2		8c – Separate Defense Resources	4 – Separate Budget 7 – Queryable Database 7 – Conflict Contract		**8c – Defense Resources Spending**
Priority 3	1 – System Type	**8d – Attorney Salary**		1 – Performance Reports	**5 – Total Workload Percentage** 5 – Amount of Specialized CLE Training **7 – Conflict Case Percentage** 8a – Defense Related CLE Training **8a – Years of Defense** **8a – Motions Filed**

Data Collection Challenge Key

- Black – Have
- Blue – Easy
- Purple – Medium
- Red - Hard

Fix Difficulty Key

- Underlined – Easy
- Normal – Medium
- **Bold - Hard**

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System type should be considered an input and should be considered a means to an end.

Attorney Salary though it may be important, is a challenging fix and may distract from higher priority issues

Type of Indigent Defense System

MAC
Contract
PDO

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City Indigent Defense System Types

A bar chart comparing two categories. The "Contract" bar reaches approximately 93 on a scale of 0 to 100. The "MAC- w/ Utah County" bar is approximately 1.

Attorney Salaries

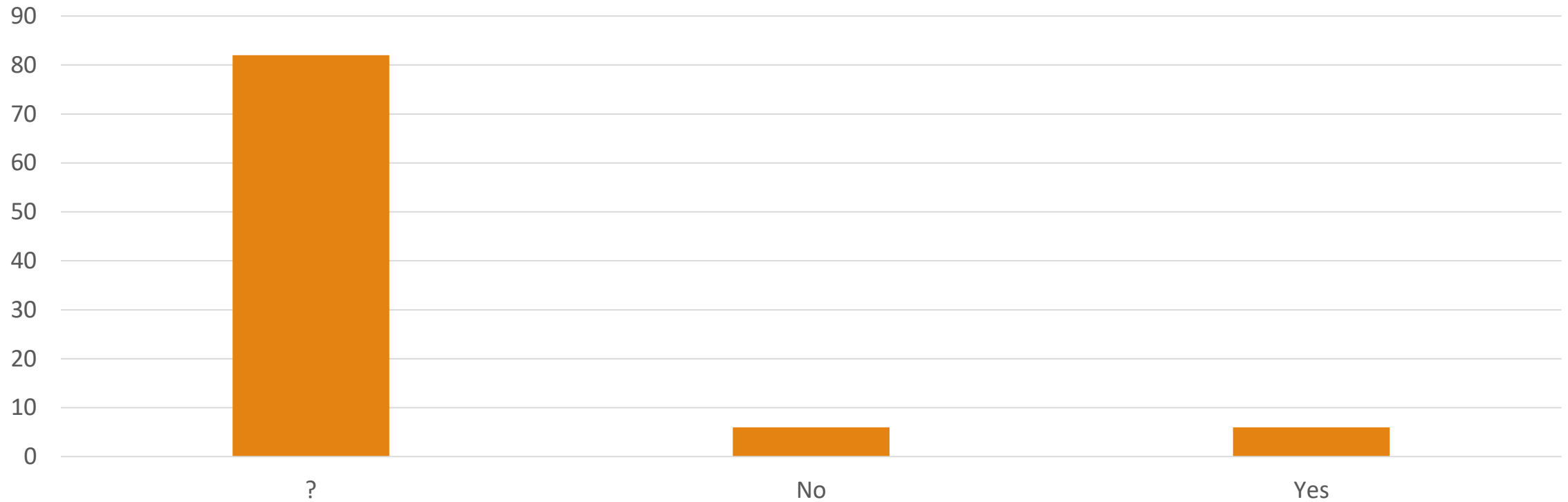| Data Quality	Accurate	Good	Mediocre	Bad	None
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Items that can be ignored for the time being

Performance Reports and Defense Related CLE Training appear to be easy fixes and may be worth doing so in the normal course of business

Amount of Specialized CLE Training appears easy to fix but challenging to collect data. Probably easier to avoid the data, and just fix.

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Leave outside the purview of the Legislature and request that the IDC staff address these issues

Are Indigent Defense Budgets Separate from Judiciary and Prosecution in County District Courts?
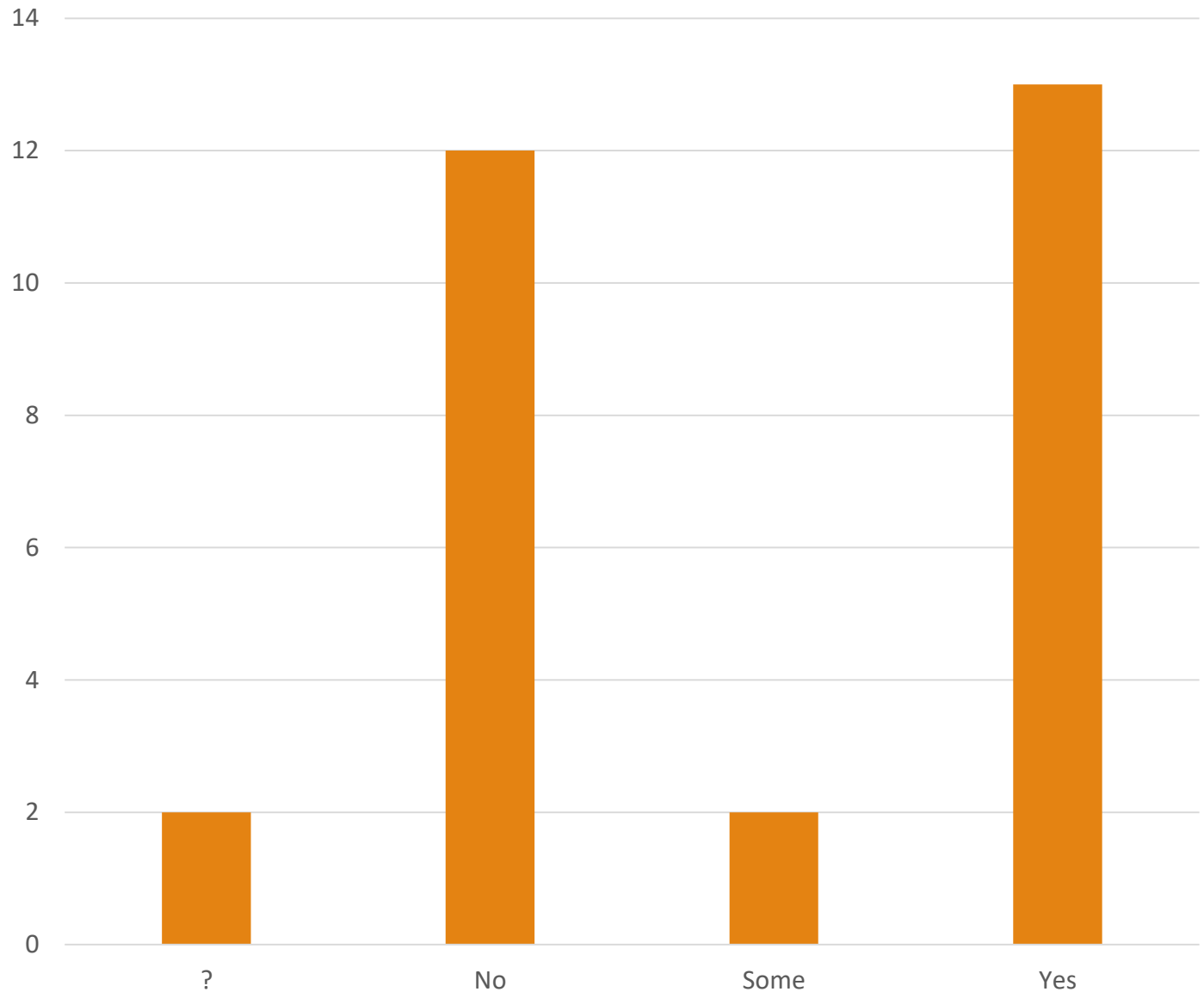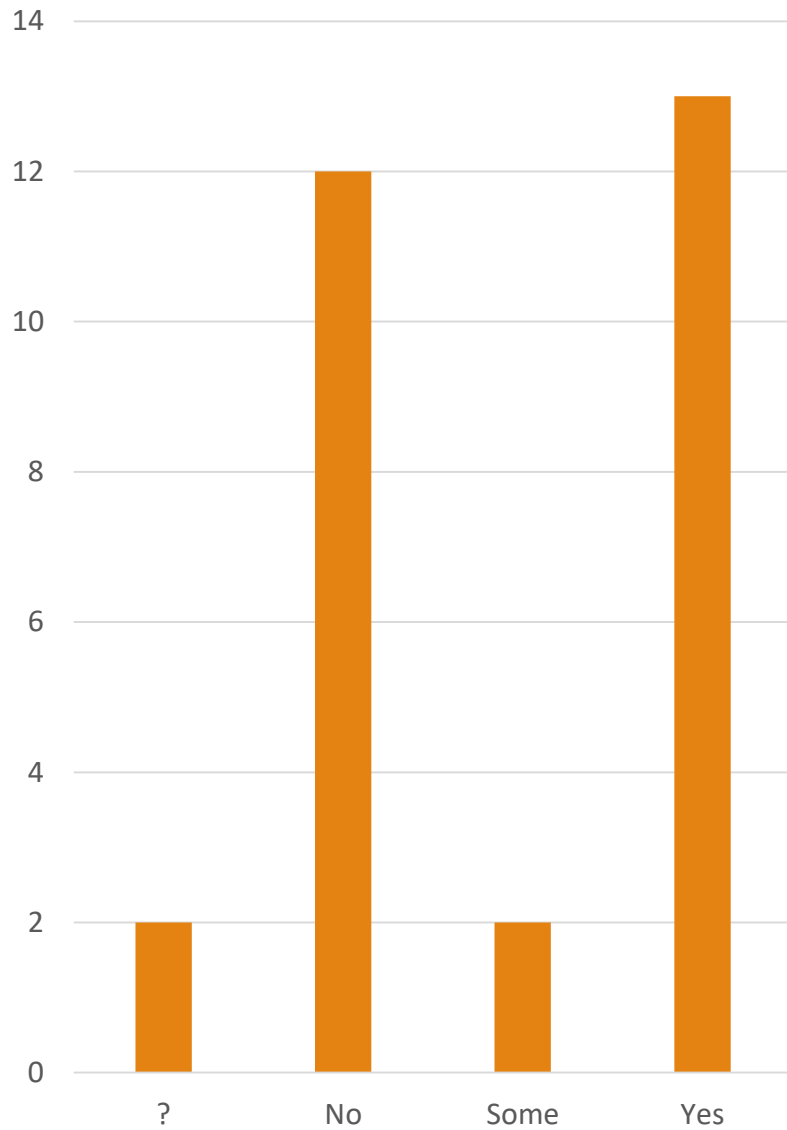
Are Indigent Defense Budgets Separate from Judiciary and Prosecution in <u>County Justice Courts?</u>

Are Indigent Defense Budgets Separate from Judiciary and Prosecution in City Justice Courts?

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The Legislature should feel comfortable making a decision on these particular issues.
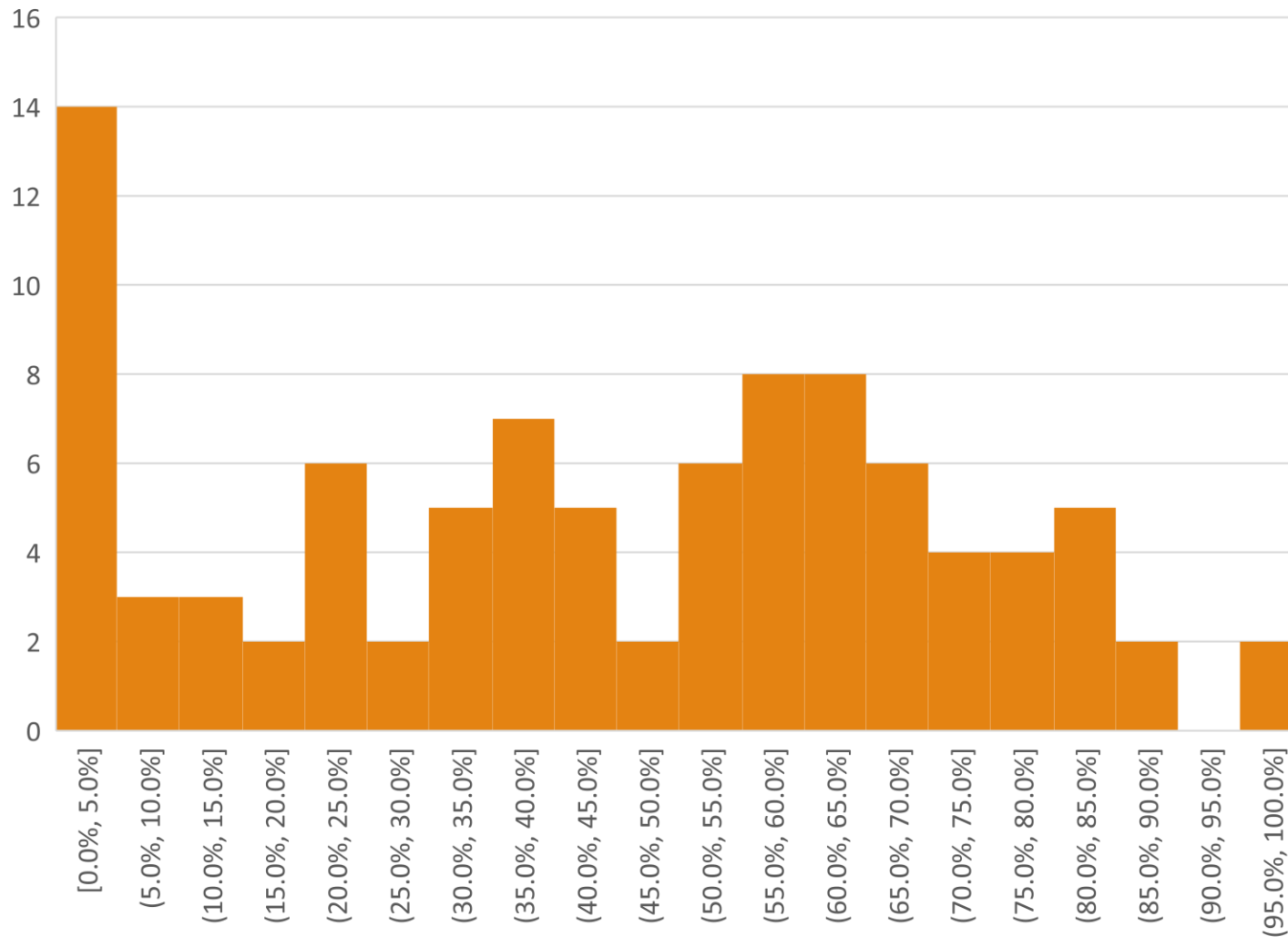
County Appeals Rates
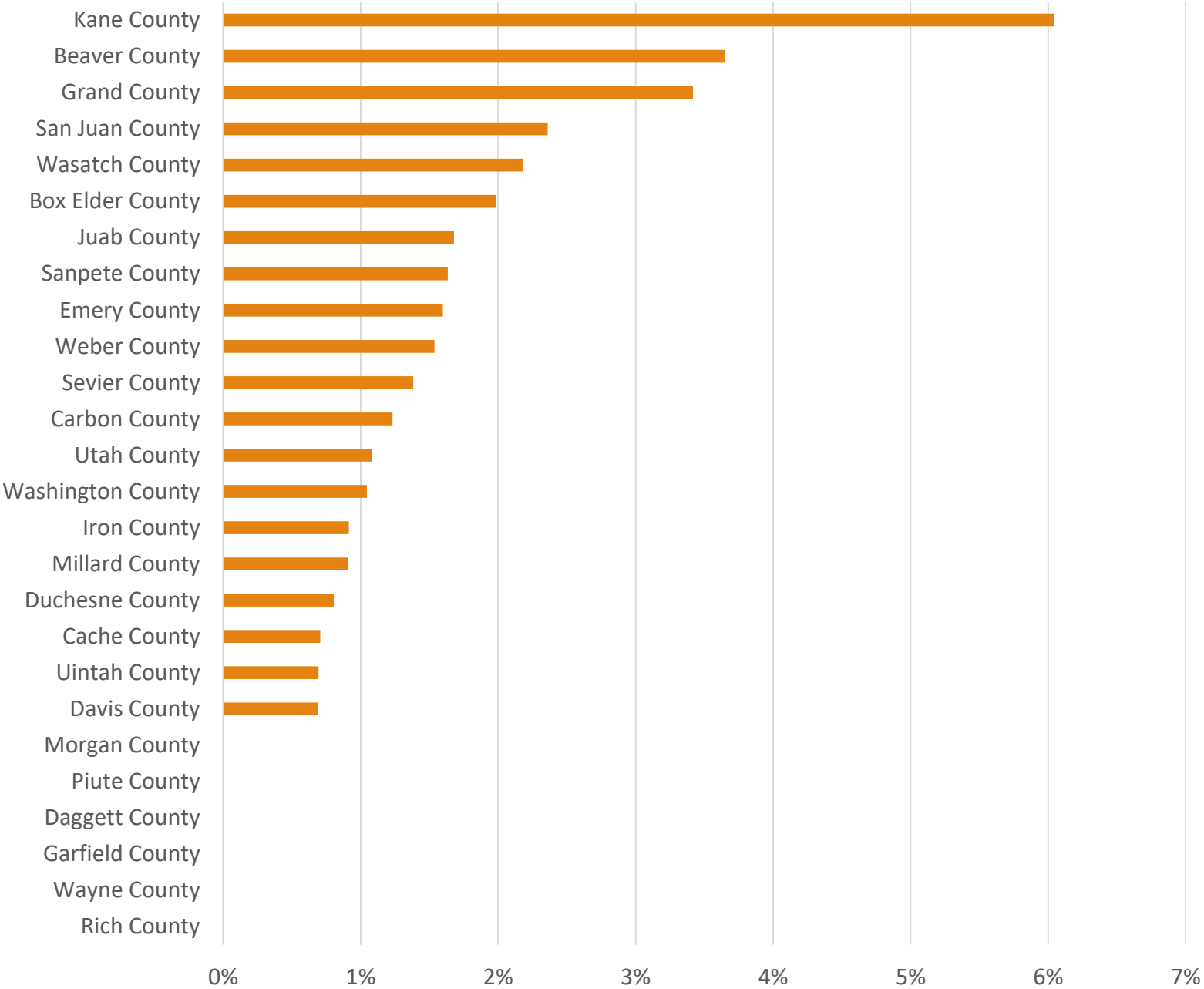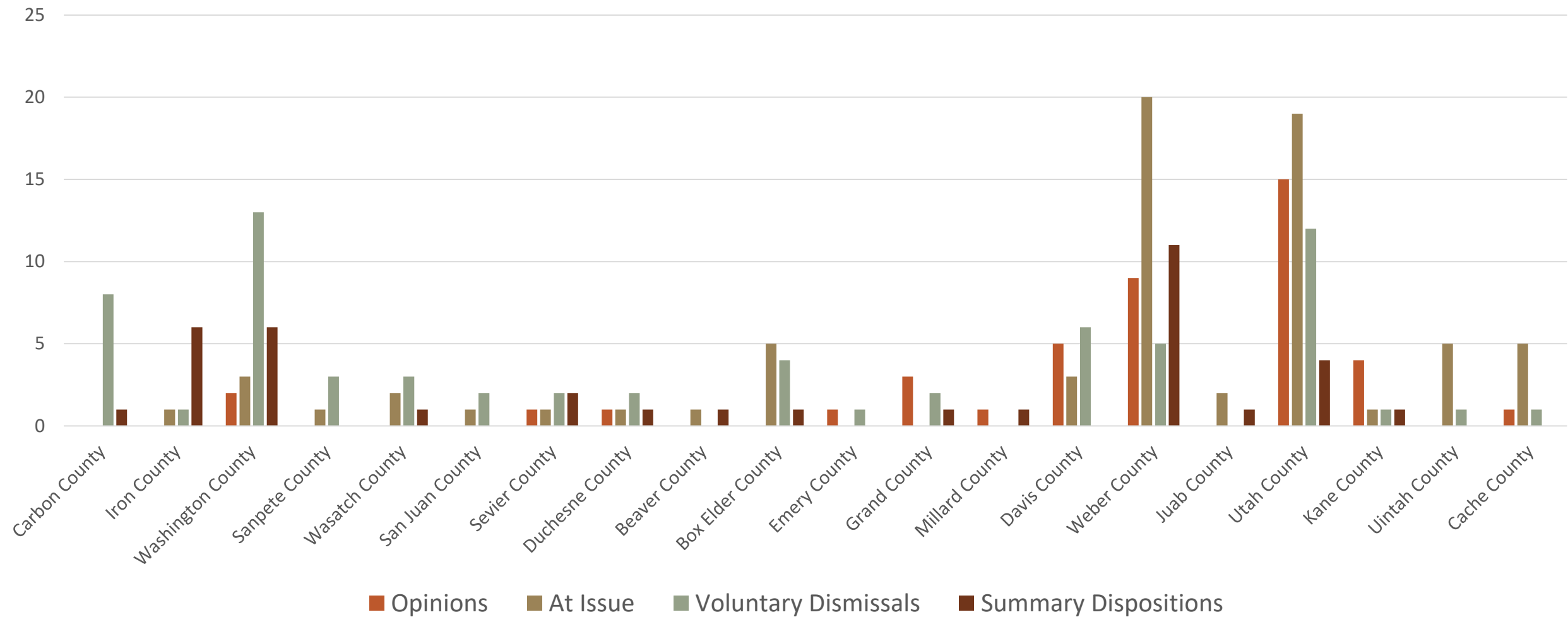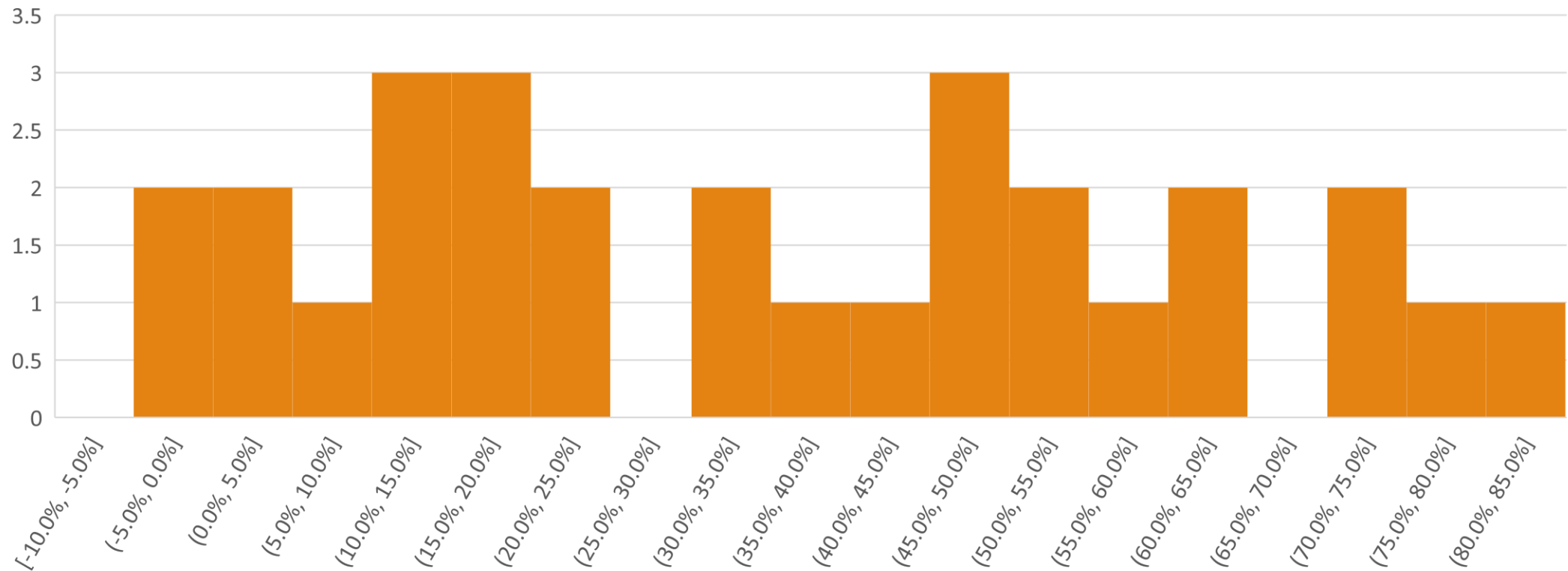
Disposition on Appeals by County
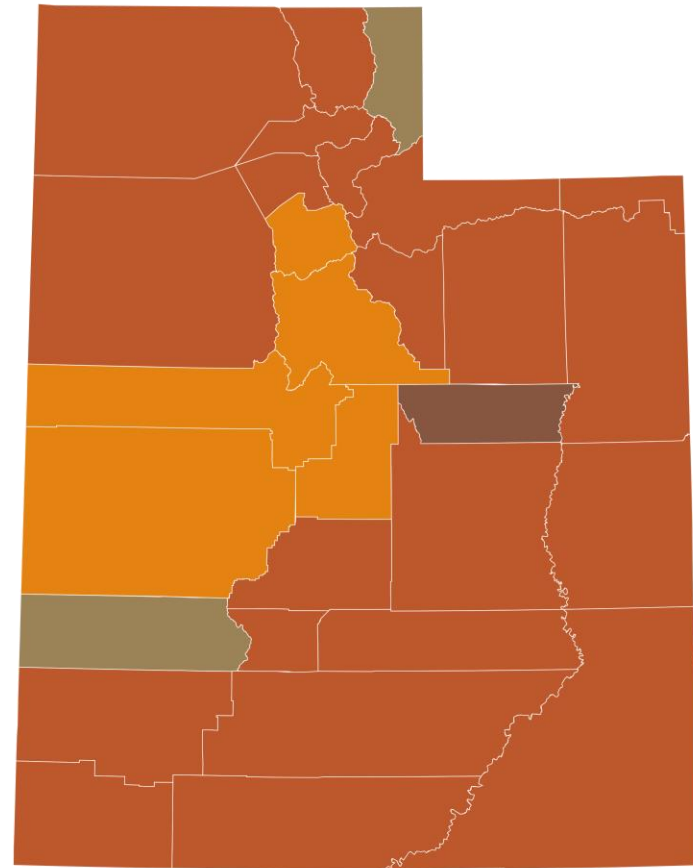
District Court Level Indigent Appointment Rate
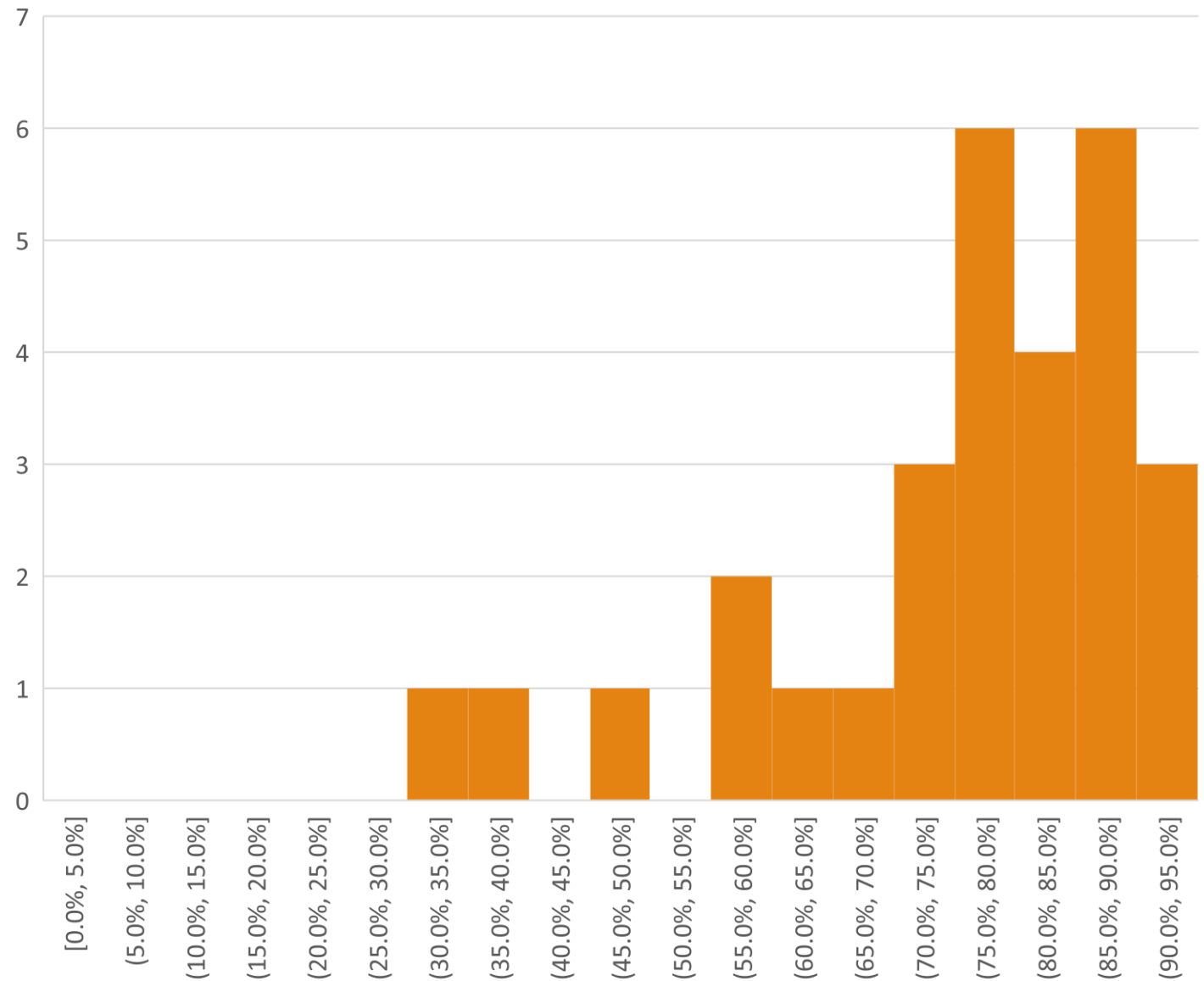
City Justice Court Indigent Appointment Rates

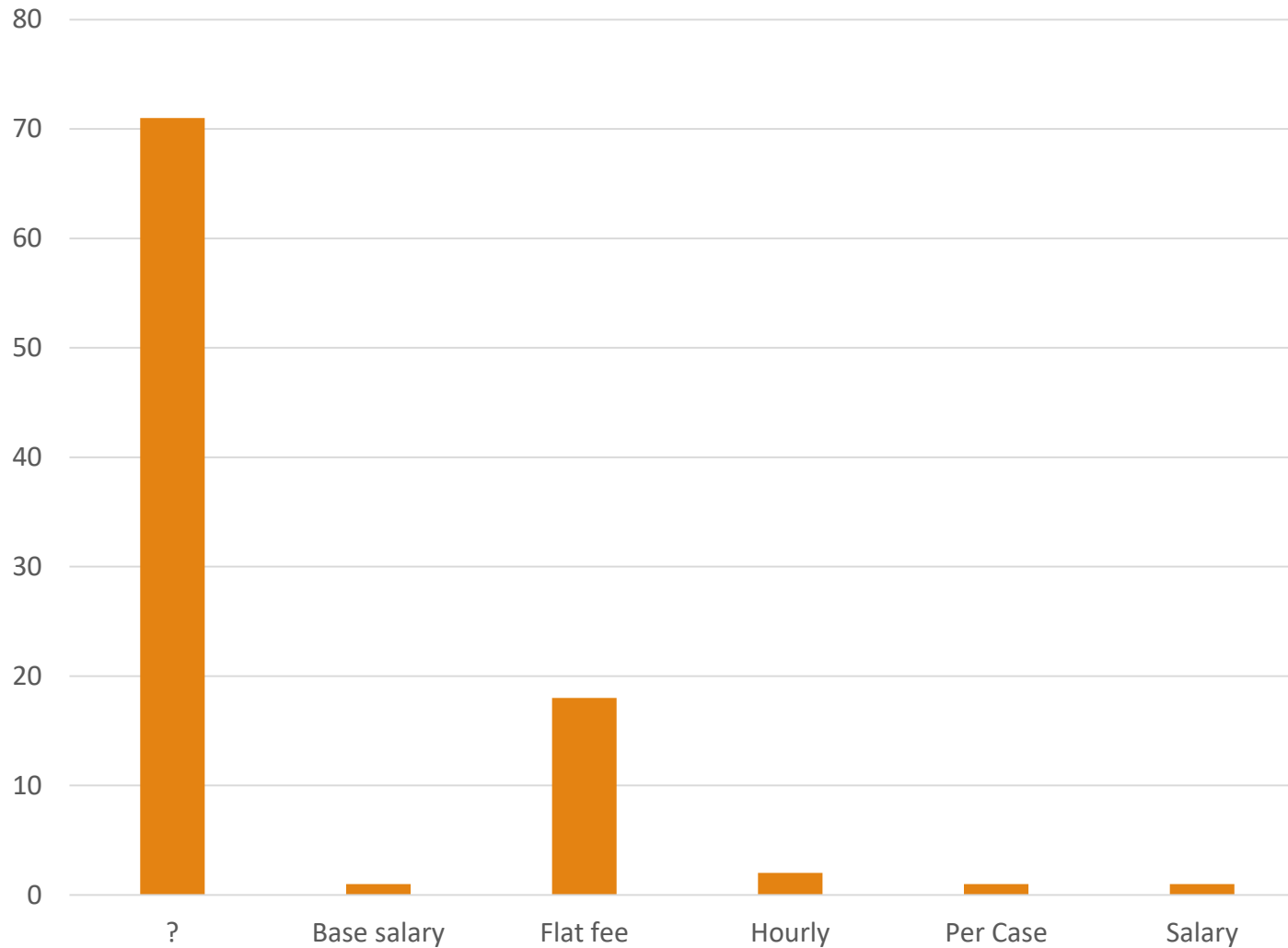# County Justice Court Indigent Appointment Rates
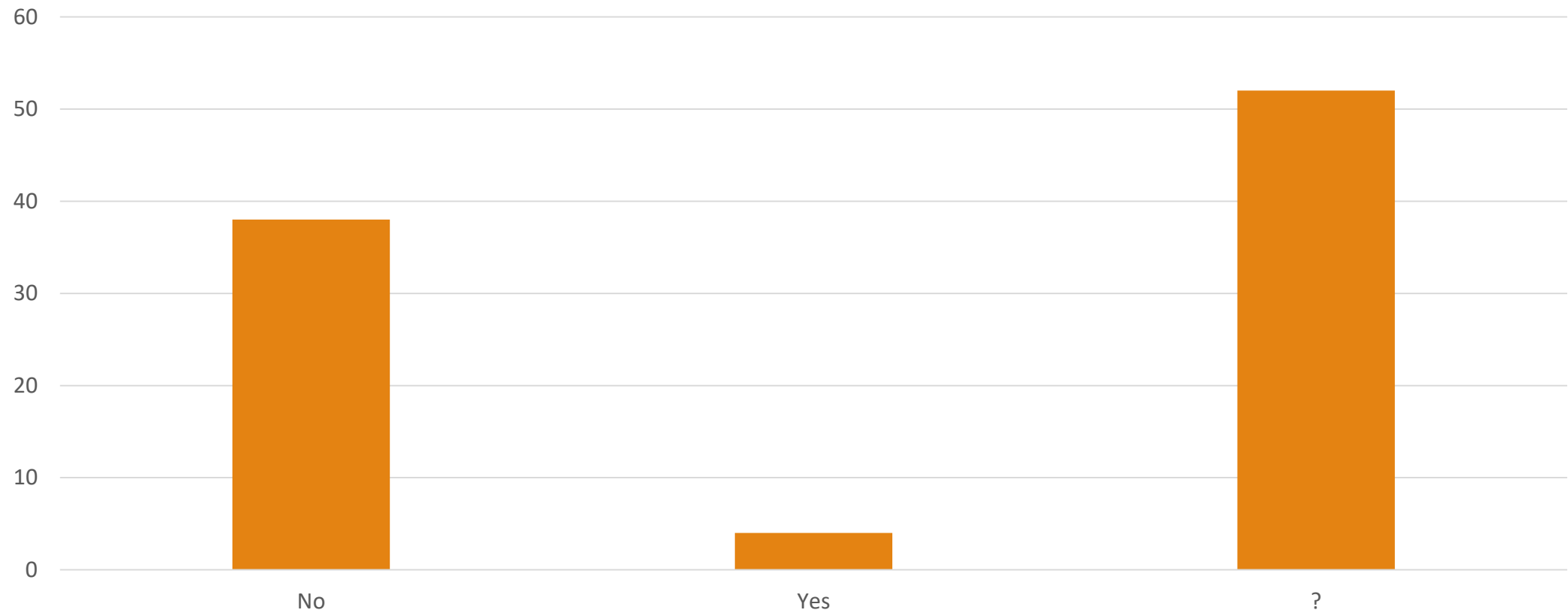
Base salary
Flat fee
Hourly
?

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Compensation Type by County

Compensation Type by City Justice Court

Separate Budget for Defense Resources by City Justice Court

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Decide that there may or may not be an issue, but the counties can handle it and it shouldn't be a burden on the state.

Decide that there may or may not be an issue, but it is the states responsibility to ensure there is not a problem

Postpone the previous two decisions and expend resources to collect better information.